

Working Session

Tuesday, July, 23, 2013, 10:00 am to 2:00 pm

Agenda

- I. Welcome & Introductions
- II. Recap of Progress, Process, and Items for Further Discussion
- III. Sharing of Perspectives, Concerns, and Discussion of Differences
- IV. Break for Lunch (60 minutes)
- V. Regroup to Discuss Next Steps

SOA - using for all clients
VI. Wrap-Up

last for
all

Working Session Between EPA Region VII Personnel and Iowa Team
Meeting Time: 10:00 am to 2:00 pm CDT (with 1 hour lunch)

State Capitol Building -- Governor's Office --
Governor Ray Conference Room --
Enter via G7 Door and Ask for Julie Vande Hoef

Agenda

- I. Welcome & Introductions (10 minutes) – Doug Hoelscher, Julie Vande Hoef & Chuck Gipp
- II. Recap of Progress, Process, and Items for Further Discussion (20 minutes) – State & Federal Participants
 - a. Process Recap
 - b. Reaffirmation of Progress Made on Nearly All Original Issues
 - c. Clarification of Where We Stand and Issues for Further Discussion
- III. Sharing of Perspectives, Concerns, and Discussion of Differences (90 minutes) – All
 - a. Sharing of Perspectives and Discussion of Authorities
 - b. Discussion of Various Proposals to Address Remaining Issues
- IV. Break for Lunch (60 minutes)
- V. Regroup to Discuss Next Steps (55 minutes) – All
- VI. Wrap-Up (5 minutes) -- All

Flournoy, Karen

Subject: Working Session Between EPA Region VII Personnel and Iowa Team
Location: State Capitol Building -- Governor's Office -- Governor Ray Conference Room -- Enter via G7 Door and Ask for Julie Vande Hoef -- Julie to Conference in Doug at 202-624-5479 at Start of Meeting

Start: Tue 7/23/2013 10:00 AM
End: Tue 7/23/2013 2:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Hoelscher, Doug [IGOV]
Required Attendees: ~~Gipp, Chuck [DNR]~~; Vande Hoef, Julie [IGOV]; Trautman, Bruce [DNR]; Fynaardt, Karen [DNR]; Hatch.Sarah@epa.gov
Optional Attendees: Cozad, David; Cacho, Julia; Flournoy, Karen; Brooks, Karl

Meeting Time: 10:00 am to 2:00 pm CDT (with 1 hour lunch)

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Julie

7/23/13

Background:

On September 20, 2007, a Petition for Withdrawal of the National Pollutant Discharge Eliminations System (NPDES) Program was filed by the Iowa Citizens for Community Improvement, the Sierra Club and the Environmental Integrity Project. These Petitioners alleged that Iowa's NPDES concentrated animal feeding operation program does not meet the requirements of the Clean Water Act and specifically alleged 31 areas of deficiencies. Upon informal review by the EPA of this petition and DNR records, 26 of the alleged deficiencies were deemed "resolved"; where no additional action was necessary. The five remaining areas of alleged deficiencies are still being discussed by the state of Iowa, the EPA and interested stakeholders.

Work Plan:

Through this process, the EPA and DNR created a draft work plan that reviews and clarifies the areas of alleged deficiencies or concerns, and explains the action that the state of Iowa has or will take to address and clarify these areas.

Stakeholder Engagement:

Upon the request of interested stakeholders, an informal work group of farm stakeholders met with DNR, and the Governor's office staff to discuss the impact of any new regulations on both Iowa small to medium sized farms, including family farms, and Iowa communities. Feedback was provided on the draft work plan by the informal work group of farm stakeholders.

Areas of Discussion:

Through this process, and after numerous meetings, the main area of disagreement between the state of Iowa and the EPA is on EPA's request for new farm investigations/inspections on farms that have between 300-999 animal units. (Animal units are counted in numeric standards, with certain animals being counted on various levels. For example, a mature dairy cow has an animal unit value of 1.4, and accordingly, a herd of 215 dairy cows on an organic farm would be subject to these new farm investigations requested upon by the EPA, as would a farm family with as few as 150 horses.) The state of Iowa has concerns that this type of new regulation on all farms of this size, including farms that have never received a complaint, goes beyond the scope of EPA's authority and also adds unnecessary regulations on Iowa's small to medium sized farms, including family farms.

The state of Iowa also disagrees with the EPA's desire to have final approval, oversight and ability to change DNR's standard operating procedures and training for DNR livestock farm program staff. It is appropriate for this oversight to remain at the state level with the Iowa DNR.

The state of Iowa is also committed to regularly sharing best practices and having on-going partnership conversations with landowners to encourage best practices that would prevent any accidental spills, often caused by Mother Nature or unforeseen equipment failure.

The state of Iowa is dedicated to preserving and protecting Iowa's natural resources of air, land and water for future generations. Over the past two years, the state of Iowa has worked with Iowa State University and the EPA to create a comprehensive, science-based approach to working with landowners and communities on improving our water quality through the Nutrient Reduction Strategy. This program, and other water quality efforts, received over \$20 million in funding during the past legislative session. This program is an example of how the state of Iowa is dedicated to preserving and protecting our important waterways.

Elde

Julie Aug 14.
Jeff B.

Greta: 7/14

Jeff

Sci Based

Collected

P/P

S/H's

\$20 MM WQ: agreed.

Senior out work.

can. + push & choose de chg.

DNR work w/ EPA

"good" → how better?



EPA has met & then w/ L-SEP

movement is in progress.

weel CFFOs capment

We want a WP

Bill / Matt ICA

What does EPA OLC mean?

How can we use models to help us?

product → certainly → instrument.

more detailed
needed ← range of elements further
described
desks typ model:
ICA's use of it

Elem /

need
cells
the
big mine ← " Obj 4: further approach
RIM approach
desks typ document: vol. "

d/base → can we be clear we are n.

certainly feel d-base

Peters, Dana

Subject: Conference Call Between Matt Deppe, Bill Couser and Karl Brooks re: Iowa Work Plan (Call in number: 1-866-299-3188; access code: 9135517444)
Location: R7-RO2.2-P46-8/R7-RO
Start: Thu 7/18/2013 2:00 PM
End: Thu 7/18/2013 2:30 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Cacho, Julia
Required Attendees: Brooks, Karl; Matt Deppe; cousercattle@iowatelecom.net
Optional Attendees: Peters, Dana

Leader Pin: 3500

Ed Greiman

EPA Region 7 will open the conference line.

Date and time confirmed with Matt Deppe, 1-515-296-2266, ext. 217 and Bill Couser, 1-515-231-0614.

NO ICA pres. cmty.



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

May 20, 2013

Bob Perciasepe
Acting Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Gina McCarthy
Assistant Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Acting Administrator Perciasepe and Assistant Administrator McCarthy,

As leaders of the Environmental Protection Agency (EPA), we write to you today to share Iowa's proud history of being a leader in the agriculture industry and express concerns on a pending regulatory issue regarding livestock farms that would negatively impact Iowa's family farmers and our state's agriculture industry.

Iowa has a strong agricultural heritage and our farm families are true leaders in helping feed a growing world population. Our farmers' productivity and agricultural innovation has enabled our state to become first in the nation for corn, soybeans, eggs, and hog production. Iowa also proudly produces 25% of the country's supply of ethanol -- twice as much as any other state. Our farm families work hard every day to produce safe and reliable food, fuel and fiber for the U.S. and world population, all while working to ensure that our land, air and water are protected for future generations.

In addition, these same Iowa farm families continue to see new rules and regulations that affect their farming operations. These rules and regulations can be burdensome and very costly. In the state of Iowa, it is our goal to work in partnership with our farm families to share stewardship best practices and to ensure that rules and regulations take a common sense approach. We want to work with the EPA and each of you to ensure regulations meet their original intent of safeguarding our natural resources, yet do not become overly burdensome, redundant or unnecessary.

*agenda
for
IA Gov's mtg*

Acting Administrator Bob Perciasepe and Assistant Administrator Gina McCarthy
May 20, 2013
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Recently, the DNR has had many discussions with the EPA Region 7 office regarding livestock farms in the State of Iowa and the National Pollutant Discharge Elimination System (NPDES) program. It is our hope that an appropriate work plan is agreed to that meets the requirements of the Clean Water Act and does not add unnecessary or overly burdensome regulations on our farm families. While there has been some progress made on the draft work plan, we write today to stress our strong concern with the approach suggested by EPA Region 7 that proposes the idea of initiating investigations on all livestock farms with 300 to 999 animal unit capacity. These proposed farm investigations, suggested by EPA, are proposed even for farms that never have received a complaint about their operation and for farms that are not even under the jurisdiction of the federal government.

Our philosophy is to proactively work with farmers as partners, who are under the state's regulatory jurisdiction, to ensure an understanding of the rules, regulations and best practices to prevent negative impacts on our natural resources, instead of using the "gotcha" approach of initiating investigations broadly. In addition, since the majority of discharges into Iowa's waters are accidental spills, and in many cases caused by Mother Nature, we believe that proactive education on preventive measures is the best approach to protecting our natural resources.

We understand that EPA Region 7 is also insisting on final approval, oversight and the ability to change DNR's standard operating procedures and training for DNR livestock farm program staff, and these are additional areas where we have disagreement. It is appropriate for the state of Iowa to currently, and to continue, to oversee our operating procedures and our staff training. The state of Iowa and the DNR want to partner with the EPA to ensure our natural resources are protected, while using a common sense and appropriate approach of regulation of livestock farms.

We sincerely hope that you will review the topics mentioned above and consider visiting the state of Iowa to see firsthand the impact of regulations and the ultimate effect it has on Iowans. The Office of the Governor would be able to assist you in scheduling several meetings with Iowa farmers, business owners, municipalities and other stakeholders to discuss the ultimate impact of EPA regulations right here in Iowa.

Thank you for your time and consideration.

Sincerely,



Terry E. Branstad
Governor of Iowa



Kim Reynolds
Lt. Governor of Iowa

CC: Iowa Congressional Delegation
Secretary Bill Northey, Iowa Department of Agriculture and Land Stewardship
Karl Brooks, Regional Administrator of EPA Region 7